

Senate Study Bill 1205 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act relating to inspections of school buses and certain
2 other vehicles used to transport children and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 285.8, subsection 4, Code 2013, is
2 amended to read as follows:

3 4. a. Inspect or cause to be inspected all vehicles used
4 as school buses to transport school children and all vehicles
5 otherwise regularly used to transport children to determine
6 if such vehicles meet all legal and established standards
7 of construction and can be operated with safety, comfort,
8 and economy. When it is determined that further use of such
9 vehicles is dangerous to the ~~pupils~~ children transported and to
10 the safety and welfare of the traveling public, the department
11 of education shall order such vehicle to be withdrawn from
12 further use on a specified date no later than thirty days
13 following such determination. School buses and vehicles
14 otherwise regularly used to transport children which do not
15 conform to the requirements of the department of education may
16 be issued a temporary certificate of operation provided that
17 such ~~school buses~~ vehicles can be operated with safety, and
18 provided further that no such certificate shall be issued for a
19 period in excess of ~~one year~~ thirty days. All equipment can be
20 required to be altered, or safety equipment added, in order to
21 make vehicles reasonably safe for operation. A vehicle which
22 does not pass an inspection shall be subject to a subsequent
23 inspection within not more than thirty days. A vehicle which
24 does not pass a subsequent inspection shall be removed from
25 service until such time as the vehicle passes an inspection.
26 New buses and vehicles otherwise regularly used to transport
27 children, after initial inspection and approval, shall be
28 issued a seal of inspection. After each annual inspection a
29 seal of inspection and approval shall be issued. ~~Said~~ The
30 seals shall be mounted on the lower right hand corner of the
31 windshield.

32 b. For purposes of this subsection, "vehicle otherwise
33 regularly used to transport children" means the same as defined
34 in section 321.1, subsection 91A.

35 Sec. 2. Section 321.1, Code 2013, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 91A. "*Vehicle otherwise regularly used*
3 *to transport children*" means every vehicle operated for the
4 transportation of children, except for the following:

5 a. School buses.

6 b. Vehicles privately owned and not operated for
7 compensation.

8 c. Vehicles used exclusively to transport children in the
9 immediate family of the driver.

10 d. Vehicles used to provide transportation service available
11 to the general public, whether or not for compensation.

12 e. Authorized emergency vehicles.

13 f. Vehicles incidentally used to transport children.

14 Sec. 3. Section 321.373, subsection 1, Code 2013, is amended
15 to read as follows:

16 1. Every school bus except private passenger vehicles
17 used as school buses and every vehicle otherwise regularly
18 used to transport children shall be constructed and equipped
19 to meet safety standards prescribed in rules adopted by the
20 state board of education. Such rules shall conform to safety
21 standards set forth in federal laws and regulations and shall
22 conform, insofar as practicable, to the minimum standards
23 for school buses recommended by the national conference on
24 school transportation administered by the national commission
25 on safety education and published by the national education
26 association.

27 Sec. 4. Section 321.374, Code 2013, is amended to read as
28 follows:

29 **321.374 Inspection — seal of approval.**

30 ~~No~~ A vehicle shall not be put into service as a school
31 bus or as a vehicle otherwise regularly used to transport
32 children until it is given an original inspection to determine
33 if it meets all legal and established uniform standards of
34 construction for the protection of the health and safety of
35 children to be transported. Vehicles which are approved shall

1 be issued a seal of approval by the director of the department
2 of education. All vehicles used as school buses or vehicles
3 otherwise regularly used to transport children shall be given a
4 safety inspection at least once a year. ~~Buses~~ Vehicles passing
5 the inspection shall be issued an inspection seal of approval
6 by the director of the department of education. The seal of
7 original inspection and the annual seal of inspection shall be
8 affixed to the lower right hand corner of the windshield. A
9 vehicle which does not pass the inspection shall be subject to
10 a subsequent inspection within not more than thirty days. A
11 vehicle which does not pass a subsequent inspection shall be
12 removed from service until such time as the vehicle passes an
13 inspection.

14 Sec. 5. Section 321.379, Code 2013, is amended to read as
15 follows:

16 **321.379 Violations.**

17 A school board, individual, or organization shall not
18 purchase, construct, or contract for use, to transport ~~pupils~~
19 ~~to or from school~~ children, any school bus or vehicle otherwise
20 regularly used to transport children which does not comply with
21 the minimum requirements of section 321.373 and any individual,
22 or any member or officer of such board or organization who
23 authorizes, the purchase, construction, or contract for any
24 such ~~bus~~ vehicle not complying with these minimum requirements
25 commits a simple misdemeanor.

26 Sec. 6. Section 331.653, subsection 32, Code 2013, is
27 amended to read as follows:

28 32. Enforce sections 321.372 to 321.379 relating to school
29 buses and vehicles otherwise regularly used to transport
30 children.

31 Sec. 7. STATE MANDATE FUNDING SPECIFIED. In accordance
32 with section 25B.2, subsection 3, the state cost of requiring
33 compliance with any state mandate included in this Act shall
34 be paid by a school district from state school foundation aid
35 received by the school district under section 257.16. This

1 specification of the payment of the state cost shall be deemed
2 to meet all of the state funding-related requirements of
3 section 25B.2, subsection 3, and no additional state funding
4 shall be necessary for the full implementation of this Act
5 by and enforcement of this Act against all affected school
6 districts.

7

EXPLANATION

8 Under current law, school buses cannot be put into service
9 until they have been inspected by the department of education.
10 School buses are also required to undergo annual inspections.
11 This bill provides that a school bus which does not pass an
12 inspection is subject to a subsequent inspection within not
13 more than 30 days. The bill requires a school bus which does
14 not pass such a subsequent inspection to be removed from
15 service until such time as the school bus passes an inspection.
16 The bill limits the time within which a school bus determined
17 to be dangerous to the children transported and to the safety
18 and welfare of the traveling public must be withdrawn from
19 use to no more than 30 days after the determination is made.
20 The bill reduces from one year to 30 days the duration of a
21 temporary certificate of operation issued to a school bus that
22 does not conform to department of education requirements.

23 The bill applies these inspection requirements to vehicles
24 otherwise regularly used to transport children. The bill
25 provides that vehicles otherwise regularly used to transport
26 children do not include school buses; vehicles privately owned
27 and not operated for compensation; vehicles used exclusively
28 to transport children in the immediate family of the driver;
29 vehicles used to provide transportation service available to
30 the general public, whether or not for compensation; authorized
31 emergency vehicles; or vehicles incidentally used to transport
32 children.

33 The bill provides that vehicles otherwise regularly used
34 to transport children must conform to minimum vehicle safety
35 inspection standards as far as practicable and as set out by

1 the state board of education by rule.

2 Current law provides that a school board, individual, or
3 organization must not purchase, construct, or contract for
4 use of a school bus that does not comply with minimum state
5 standards. Current law provides that any person who authorizes
6 such an action is guilty of a simple misdemeanor. The bill
7 adds vehicles otherwise regularly used to transport children
8 to those requirements. A simple misdemeanor is punishable by
9 confinement for no more than 30 days or a fine of at least \$65
10 but not more than \$625 or by both.

11 The bill may include a state mandate as defined in Code
12 section 25B.3. The bill requires that the state cost of
13 any state mandate included in the bill be paid by a school
14 district from state school foundation aid received by the
15 school district under Code section 257.16. The specification
16 is deemed to constitute state compliance with any state mandate
17 funding-related requirements of Code section 25B.2. The
18 inclusion of this specification is intended to reinstate the
19 requirement of political subdivisions to comply with any state
20 mandates included in the bill.